2nd November 1962]

IV.—GOVERNMENT RESOLUTIONS.

(1) RATIFICATION OF THE CONSTITUTION (THIRTEENTH AMENDMENT) BILL, 1962.

* THE HON. SRI R. VENKATARAMAN : Mr .Deputy Chirman, I move—

"That this House ratifies the amendments to the Constitution of India proposed to be made by the Constitution (Thirteenth Amendment) Bill, 1962 as passed by the two Houses of Parliament."

Sir, an agreement was reached in July 1960 by the Government of India with the leaders of the Naga People's Convention under which it was decided that Naga-Tuensang Area (Nagaland), which is at present a Part 'B' tribal area within the State of Assam, will be formed into a separate State in the Union of India. Accordingly, a Bill has since been passed by the Parliament and has been assented to by the President on 4th September 1962. This Act, called the State of Nagaland Act, 1962, provides for the formation of the State of Nagaland and for matters connected therewith.

The agreement reached by the Government of India referred to above provides that the Governor of the State of Nagaland shall have special responsibility for law and order for so long as the law and order situation continues to remain disturbed on account of hostile activities and that the Governor shall have general responsibility with regard to the funds made available to the new State by the Government of India. The administration of the Tuensang District of Nagaland shall be carried on by the Governor for a period of ten years during which it is expected that the people of that area would be in a position to shoulder fuller responsibilities of administration. A Regional Council is to be formed for the said Tuensang District comprising elected representatives from the tribes therein. This Council will supervise and guide the working of the Village, Range and Area Councils in the district and no law passed by the Nagaland Legislature will extend to the Tuensang District unless so recommended by the Regional Council. Acts of Parliament shall not apply to Nagaland unless so decided by the Nagaland Legislature with regard to the religious or social practices of the Nagas, Naga Customary Law and Procedure and administration of Civil and Criminal Justice involving decisions according to Naga Customary Law and ownership and transfer of land and its resources. As provision in regard to the above matters has to be made in the Constitution itself, the Constitution (Thirteenth Amendment) Bill, 1962, containing necessary provision has been passed by both the Houses of the Parliament.

As the Bill seeks to amend some of the provisions of the Constitution specified in the proviso to Article 368, the amendments will require to be ratified by the State Legislatures of not less than one half of the States specified in the First Schedule to the Constitution, before the Bill is presented to the President for his assent.

[Sri R. Venkataraman] [2nd November 1962

This House will, I hope, unanimously agree to the ratification of the Bill which has been passed by both Houses of Parliament.

DEPUTY CHAIRMAN : The question is—

"That this House ratifies the amendments to the Constitution of India proposed to be made by the Constitution (Thirteenth Amendment) Bill, 1962, as passed by the two Houses of Parliament."

The Resolution was put and carried.

(2) RATIFICATION OF THE CONSTITUTION (FOURTEENTH AMENDMENT) BILL, 1962.

THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, I move—

"That this House ratifies the amendment of the Constitution of India falling within the purview of the proviso to Article 368 thereof proposed to be made by the Constitution (Fourteenth Amendment) Bill, 1962, as passed by the two Houses of Parliament."

Sir, the French establishment of Pondicherry, Karikal, Mahe and Yanam became territories of the Indian Union with effect from the 16th August 1962, on which date the Treaty of Cession was ratified by the Governments of India and France. It is, therefore, necessary to specify these territories in the Constitution as a Union territory; this the Bill seeks to do, the name of the territory being 'Pondicherry'. When Pondicherry is included in the Union territories, representation will have to be given to it in Parliament. As the maximum of 20 members to represent the Union territories in the Lok Sabha, provided in Article 81 (1) (*b*) of the Constitution, has already been reached, this number is proposed to be increased to 25 for this purpose, and also to provide for future contingencies. Provision is also made in the Bill for representation of the territory in the Rajya Sabha.

Through a new Article 239-A, the Bill seeks to empower Parliament to enact laws for the creation of the Legislatures and Councils of Ministers in the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry.

Before the Bill is presented to the President for his assent, it has to be ratified by the Legislatures of not less than one-half of the States, since the amendment of the Constitution proposed therein, falls within the purview of the proviso to Article 368. This House will, I hope, unanimously agree to the ratification of the Bill, which has been passed by both Houses of Parliament.

DEPUTY CHAIRMAN : The question is—

"That this House ratifies the amendment of the Constitution of India falling within the purview of the proviso to Article 368